

**CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING A PLANNED DEVELOPMENT AMENDMENT FOR A SIGN PROGRAM APPLICATION - PLN12-0280 – 433 & 501 BUENA VISTA AVENUE (SUMMER HOUSE APARTMENTS)

WHEREAS, an application was made on August 13, 2012, by Arrow Sign Company requesting to amend the Planned Development to include a Sign Program at Summer House Apartments; and

WHEREAS, the project site is located within an R-4/PD (Neighborhood Residential with a Planned Development overlay) District; and

WHEREAS, the project site is designated Medium Density Residential; and

WHEREAS, the Planned Development and Design Review was approved in 2005 without a Sign Program; and

WHEREAS, the Planning Board held a public hearing on this application on October 22, 2012 for a Planned Development Amendment for a Sign Program Application; and

WHEREAS, the Planning Board has made the following findings relative to the Planned Development Amendment:

Finding 1. The sign program as proposed will be compatible with the site and neighboring buildings and surrounding and promotes harmonious transition in scale and character.

Evidence: The signs provide directions to and within the site for residents and their guests. The signs provide high quality signage design with a minimum of clutter, are well designed and pleasing in appearance, provide way finding for both vehicles and pedestrians and reduce traffic and safety hazards.

BE IT RESOLVED THAT, the project is Categorically Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301(g) Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves application number PLN12-0280 subject to compliance with the following conditions:

- (1) The project shall be constructed in substantial compliance with the application submitted by Arrow Sign Company shown as Attachment 1 to the October 22, 2012 Staff Report, on file in the office of the City of Alameda Community Development Department.
- (2) New exterior lighting fixtures shall be low intensity and shielded to minimize offsite glare.
- (3) The final plans, submitted for building permit approval, shall conform to all applicable codes and guidelines.
- (4) **HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.